

REMARKS

In the Official Action the Examiner requests that the specification be amended to refer to Figure 4 instead of Figure 3 at one point. That has been done.

The Examiner rejects claims 1-3, 17-18, 32-36, 49-50 and 62-64 on prior art grounds. This grounds for rejection is respectfully traversed. The Examiner asserts that each of these claims is fully met by Valleriano (US Patent Pub 2004/0075752). Applicant does not believe that Valleriano teaches each and every limitation of the rejected claims.

Valleriano envisions an event where people's pictures are taken at various predetermined stages or locations. The people whose pictures are to be taken are given. See 0028. The locations are apparently known in advance and each location is given a RFID tag 58. See 0037.

For example, claim 1 recites "using said location parameters to associate image-capture events into one or more clusters". The Examiner asserts that this is taught by Valleriano at paragraphs 0056 and 0060. However, a careful reading of those paragraphs and other paragraphs in Valleriano make it clear that Valleriano teaches something different. Valleriano does not use "said location parameters to associate image-capture events into one or more clusters". Rather Valleriano uses the tags (wristbands, for example) given to participants (see paragraph 0044) to identify participants. As is explained at paragraph 0056 "each event corresponds to the arrival of a person on a particular stage and the cluster delineated by the separator corresponds to all of the persons in a given image." So clustering in Valleriano is done on the basis of the persons appearing in a single image rather than using "said location parameters to associate image-capture events into one or more clusters" as required by claim 1.

Valleriano apparently uses participant IDs to cluster them in a single image. No location information is needed to do that.

Claim 1 has been amended to refer to "location-based clusters", but it is believed that the original claim language patentably differentiates the claim from Valleriano.

Claim 34 recites "a first processing arrangement for using said location parameters to associate image-capture events into one or more clusters". In Valleriano the clustering is done by participant rather than by location.

Since claims 1 and 34 are generic to the species identified in the original official action, the election of species requirement should now be properly withdrawn.

The Examiner is thanked for the indication of allowability with reference to claims 4-16 and 37-48. Claim 4 has been rewritten in independent format. However, since Valleriano is not believed to be a viable reference against the rejected independent claims for the reasons stated, it is believed that all claims in this application should now be ready for allowance.

The Commissioner is authorized to charge any additional fees which may be required or credit overpayment to deposit account no. 08-2025. In particular, if this response is not timely filed, then the Commissioner is authorized to treat this response as including a petition to extend the time period pursuant to 37 CFR 1.136 (a) requesting an extension of time of the number of months necessary to make this response timely filed and the petition fee due in connection therewith may be charged to deposit account no. 08-2025.

Response to Official Action
Dated 9 October 2007
Re: USSN 10/696,096
Page 19

I hereby certify that this paper (and any enclosure referred to in this paper) is being transmitted electronically to the United States Patent and Trademark Office on

February 11, 2008

(Date of Transmission)

Stacey Dawson

(Name of Person Transmitting)

/Stacey Dawson/

(Signature)

February 11, 2008

(Date)

Respectfully submitted,

/Richard P. Berg 28,145/

Richard Berg
Attorney for the Applicant
Reg. No. 28,145
LADAS & PARRY
5670 Wilshire Boulevard
Suite 2100
Los Angeles, CA 90036
(323) 934-2300 voice
(323) 934-0202 facsimile